



**US Army Corps
of Engineers®**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: March 10, 2009
Comment Period Ends: April 10, 2009
File Number: NAE-2008-2945
In Reply Refer To: Kevin R. Kotelly, P.E.
Or by e-mail: Kevin.r.kotelly@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

The Town of Chatham, Massachusetts

PROPOSED WORK AND PURPOSE

The project includes work in navigable waters for the long-term continued maintenance dredging of the Federal Navigation Project at Stage Harbor. The Town of Chatham is seeking to re-permit the maintenance dredging and five prospective dredged material disposal sites. The dimensions of the channel are 10 feet (ft) deep Mean Low Water (MLW) by 150 ft wide and approximately 3,000 ft long. The project will enable continued maintenance dredging of up to 150,000 cubic yards (cy) of clean sand annually from the Stage Harbor channel. If issued, this permit will be valid for a duration of 10-years and will allow for periodic maintenance dredging which will typically be performed every 2 to 3 years to maintain safe navigation through the channel. The dredging will be performed by the Town of Chatham utilizing the Barnstable County Dredge or another qualified private contractor. The permit seeks approval for dredging by either hopper dredge, hydraulic cutterhead dredge, or mechanical dredging depending on the nature and location of the work, availability of equipment, and funding constraints.

Dredged materials will be potentially deposited in multiple locations depending on the type of dredging equipment as well as priority needs for use of the dredged material. These sites include two nearshore subtidal sites, east and west (SAE and SAW) as well as upland beach nourishment sites at Cockle Cove and Hardings Beach east and west (HBE and HBW). The current subtidal site (SAE) and the upland beach nourishment at Cockle Cove and HBE are currently, or have historically been, permitted. The additional area on Hardings Beach (HBW) is proposed for beach nourishment to enhance beach conditions in the more actively used public portions of the Hardings Beach system. The proposed second, more westerly subtidal site (SAW) is proposed to be added to the permitting due to its closer proximity to the western portion of the Hardings Beach area and is in a more advantageous location for natural downdrift nourishment of the public beach. Littoral sediments migrate from the west to the east and the subtidal deposition of dredged materials here will provide a valuable source of nearshore littoral sand which may indirectly help nourish Hardings Beach.

The work is described on the enclosed plans entitled, "Stage Harbor Channel Project," on 12 sheets, and dated, October 30, 2008, and September 11, 2008.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Stage Harbor Channel at Chatham, Massachusetts, and two subtidal sites near shore of Hardings Beach.

The Stage Harbor Channel on the USGS Chatham quadrangle sheet is at UTM coordinates N 2702632.89 and E 1068686.55, N 2702476.97 and E 1068758.91, N 2703565.14 and E 1070556.71, N 2703414.39 and E 1070594.62, N 2704543.26 and E 1071538.44, and N 2704423.46 and E 1071658.33 (coordinates at locations along the channel).

The previously used subtidal disposal site (SAE) is at Lat./Long. 41.663494 N, 69.993708 W, 41.662606 N, 69.995103 W, 41.663494 N, 69.991103 W, and 41.660306 N, 69.9925 W (four corner points). The proposed additional near-shore subtidal disposal site (SAW) is at Lat./Long. 41.667383 N, 70.000892 W, 41.666242 N, 70.001903 W, 41.665714 N, 69.997536 W, and 41.664572 N, 69.99855 W.

AUTHORITY

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899
- ☒ Section 404 of the Clean Water Act
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 1,820,336 SF of Essential Fish Habitat (EFH) for the species in the table below. Habitat at this site can be described as coarse, sandy substrate, with no permanent sub-aquatic vegetation. Loss of this habitat may adversely affect the listed species. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged material disposal is proposed for Cockle Cove Beach, Hardings Beach east (HBE), and subtidal site east (SAE), all of which have been previously permitted. A second subtidal disposal site west of the Federal Navigation Project, and the extension of the Hardings Beach nourishment area (Hardings Beach West, or EHW) have not been previously used or permitted. SAE and SAW are open water sites, which provide Essential Fish Habitat for the same species listed below. Habitat at this site can be described as clean, coarse sandy substrate. Loss of this habitat may adversely affect the listed species. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

CENAE-R
FILE NO. NAE-2008-2945

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)				X
haddock (<i>Melanogrammus aeglefinus</i>)				X
pollock (<i>Pollachius virens</i>)			X	
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
windowpane flounder (<i>Scopthalmus aquosus</i>)				X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a	X	X
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a	X	X
Atlantic butterfish (<i>Peprilus triacanthus</i>)	X	X	X	X
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)	X	X	X	X
scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X
black sea bass (<i>Centropristus striata</i>)	n/a	X	X	X
surf clam (<i>Spisula solidissima</i>)	n/a	n/a	X	X
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
blue shark (<i>Prionace glauca</i>)				X
bluefin tuna (<i>Thunnus thynnus</i>)			X	X
Little Skate (<i>Leucoraja erinacea</i>)			X	X
Winter Skate (<i>Leucoraja ocellata</i>)			X	X

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

ENDANGERED SPECIES CONSULTATION

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Kevin Kotelly at (978) 318-8703, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

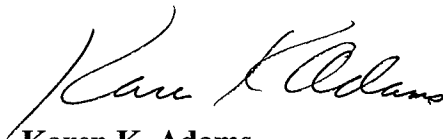
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

CENAE-R
FILE NO. NAE-2008-2945

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

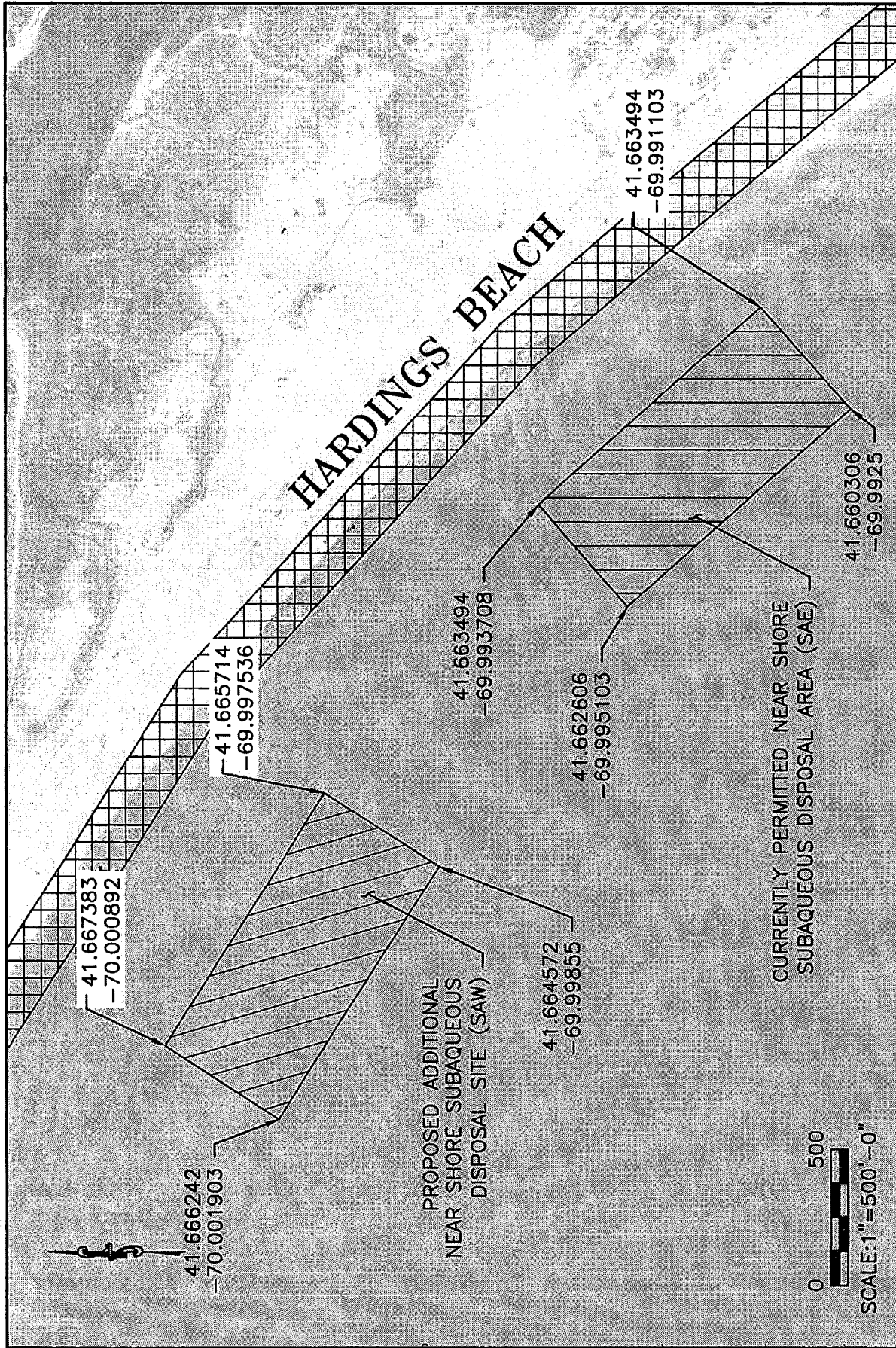
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



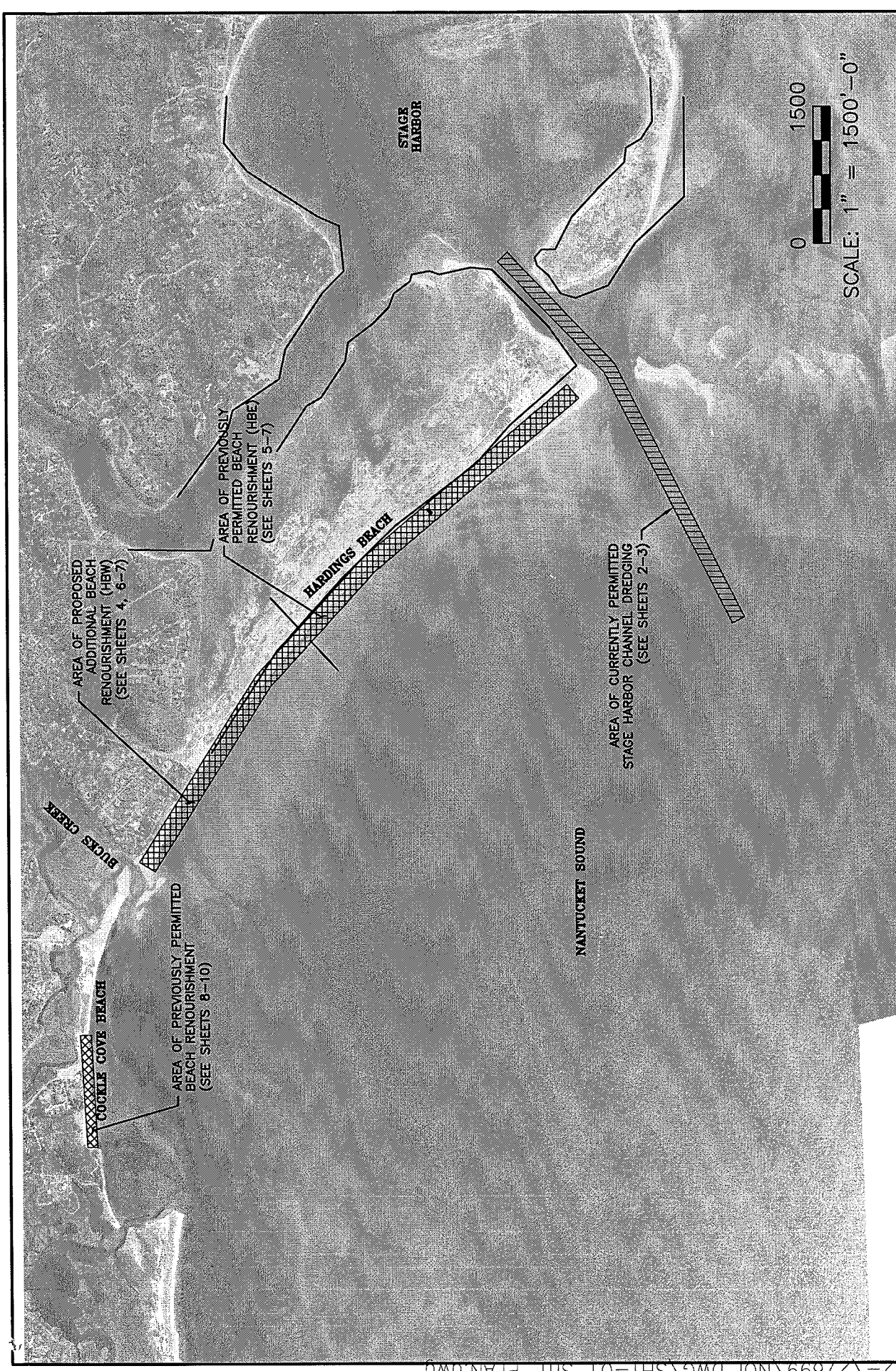
Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division


If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____



100 YR FLOOD HTL MHW	+17.7 +5.5 +4.2	NGVD MLW	+1.7 0.0	TITLE: STAGE HARBOR CHANNEL PROJECT	IN: NANTUCKET SOUND AT: CHATHAM COUNTY: BARNSTABLE STATE: MA
PURPOSE: SUBAQUEOUS DISPOSAL SITES	APPLICATION BY: TOWN OF CHATHAM	SHEET 1 OF 1 DATE: 10/30/08	SHEET 1 OF 1 DATE: 10/30/08	SHEET 1 OF 1 DATE: 10/30/08	SHEET 1 OF 1 DATE: 10/30/08



100 YR FLOOD			+17.7	NGVD	+1.7
HTL			+5.5	MLW	0.0
MHW			+4.2		
 Bourne Consulting Engineering 1000 Main Street, Suite 200, Bourne, MA 01906 TEL: (508) 833-0000 FAX: (508) 833-0000					
TITLE:			STAGE HARBOR CHANNEL PROJECT		
PURPOSE:			BEACH RENOURISHMENT		
APPLICATION BY:			TOWN OF CHATHAM		
IN: NANTUCKET SOUND			SHEET 1 OF 10		
AT: CHATHAM			DATE: 09/11/08		
COUNTY: BARNSTABLE			STATE: MA		

File: X:\27652-27699\ACOE\SHT_01-13 HARDINGS BEACH ACOE 091108.dwg

0 200
SCALE: 1" = 200'-0"

N 2702632.89
E 1068686.55

N 2702476.97
E 1068758.91

SAMPLE A

SAMPLE B

SAMPLE C

10+00

5+00

0+00

25+00

20+00

15+00

PURPOSE:
**CHANNEL MAINTANANCE
DREDGE**

100 YR FLOOD +17.7
HTL +5.5
MHW +4.2
NGVD +1.7
MLW +4.2

TITLE:
**STAGE HARBOR
CHANNEL DREDGE**

BCE *Bourne Consulting Engineering*
3 Bond Street
Franklin, MA 01902
TEL (508) 533-0000 FAX (508) 533-0000

APPLICATION BY:
**TOWN OF
CHATHAM**

IN: **NANTUCKET SOUND**
AT: **CHATHAM**
COUNTY: **BARNSTABLE** STATE: **MA**
SHEET **2** OF **10** DATE: **09/10/08**

File: X:\27652-27699\ACOE\SHT 01-13 HARDINGS BEACH ACOE 091108.dwg

0 200
SCALE: 1" = 200'-0"

N 2704543.26
E 1071538.44

N 2704423.46
E 1071658.33

N 2703565.14
E 1070556.71

N 2703414.39
E 1070594.62

STAGE HARBOR

35+00

40+00

30+00

1+00

NOTES:

1. AREA = 633892 SQ. FT.
2. MAXIMUM VOLUME OF 150,000 CY. PER DREDGE INCIDENT, TYPICALLY EVERY 2-3 YEARS.

SAMPLES COLLECTED MAY 2008

LEGEND



PURPOSE:
**CHANNEL MAINTANANCE
DREDGE**

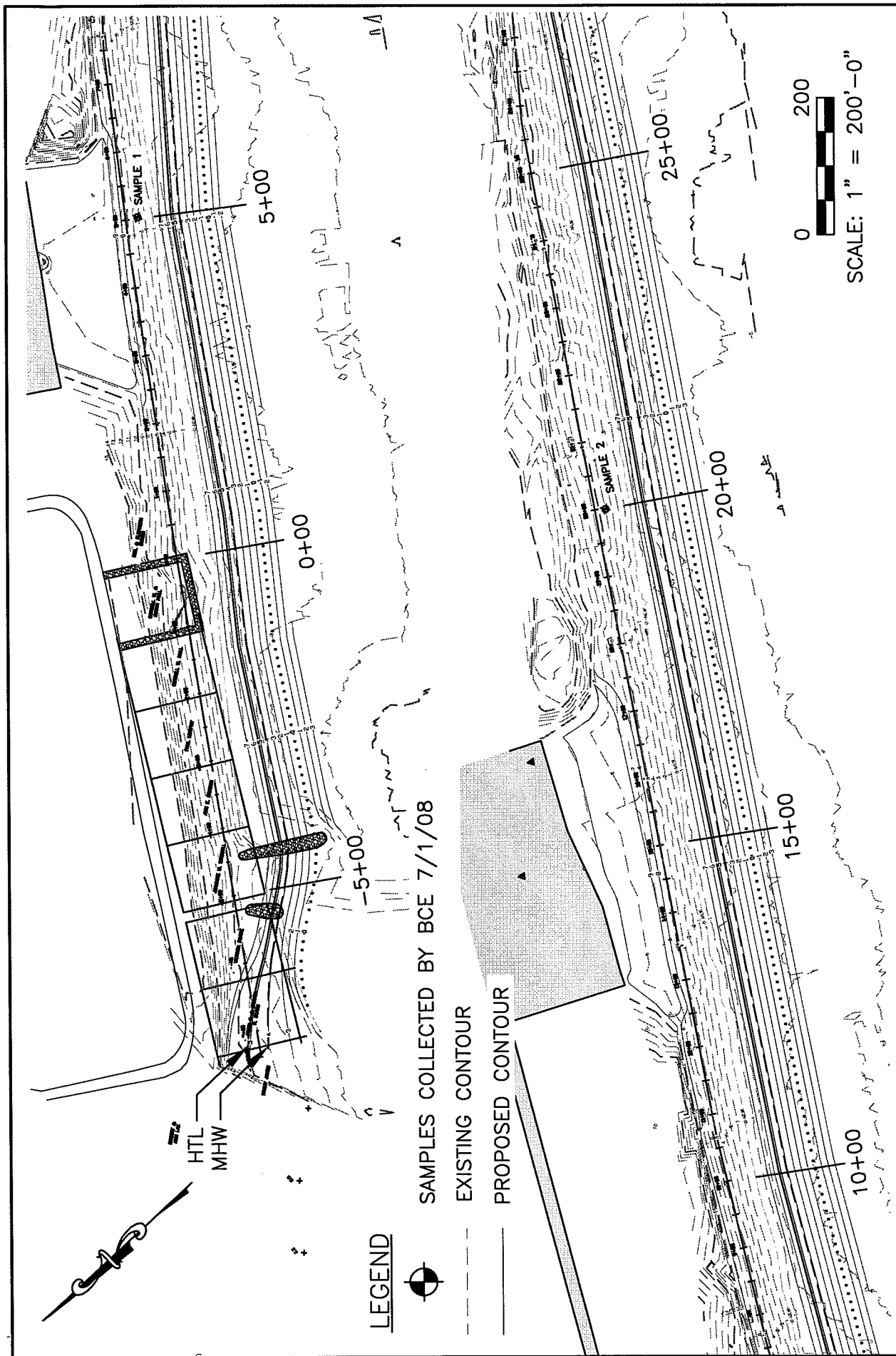
TITLE:
**STAGE HARBOR
CHANNEL**

APPLICATION BY:
**TOWN OF
CHATHAM**

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HTL	+5.5
MHW	+4.2
NGVD	+1.7
MLW	+4.2

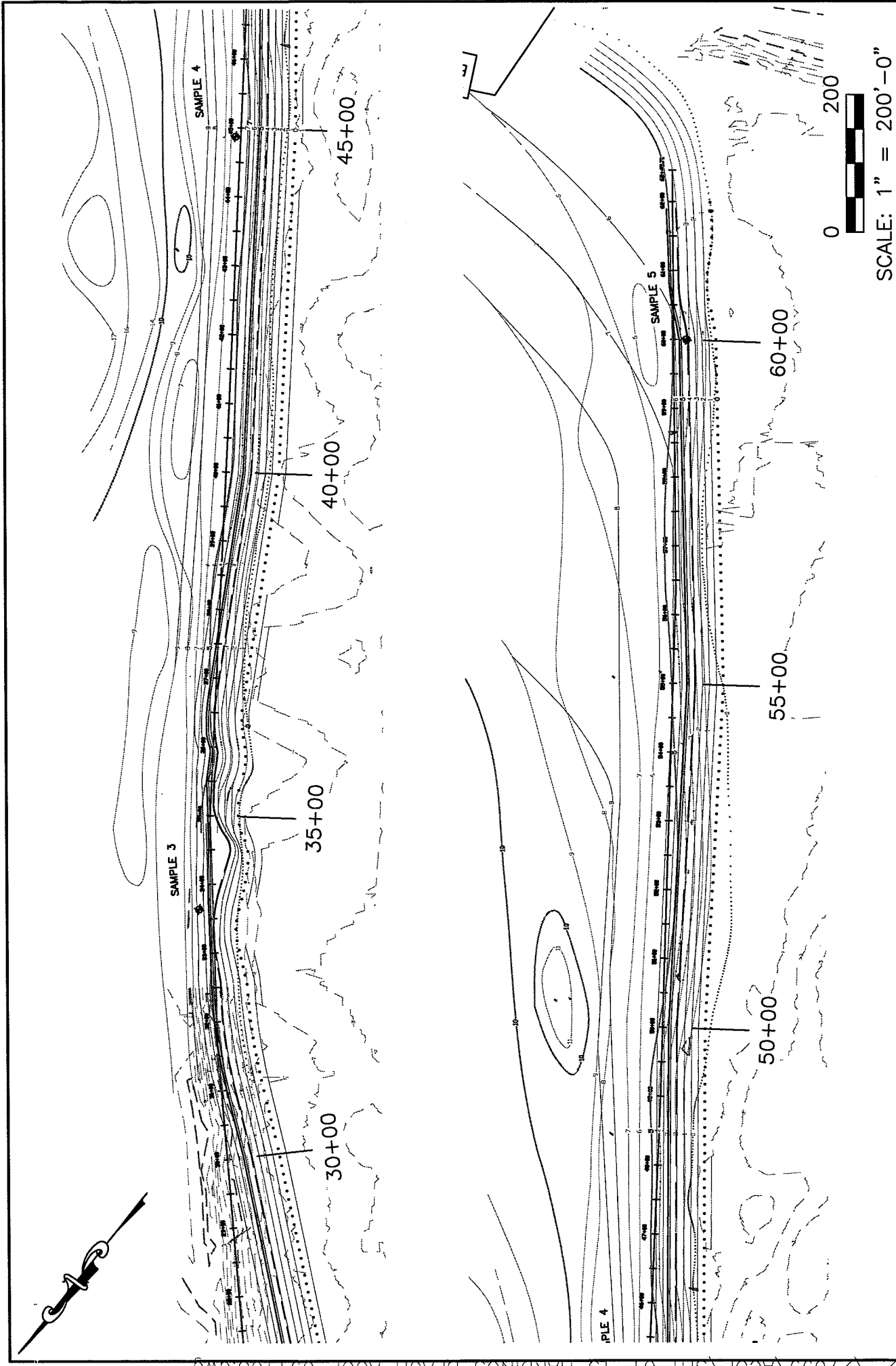


IN: **NANTUCKET SOUND**
AT: **CHATHAM**
COUNTY: **BARNSTABLE** STATE: **MA**
SHEET **3** OF **10** DATE: **09/10/08**




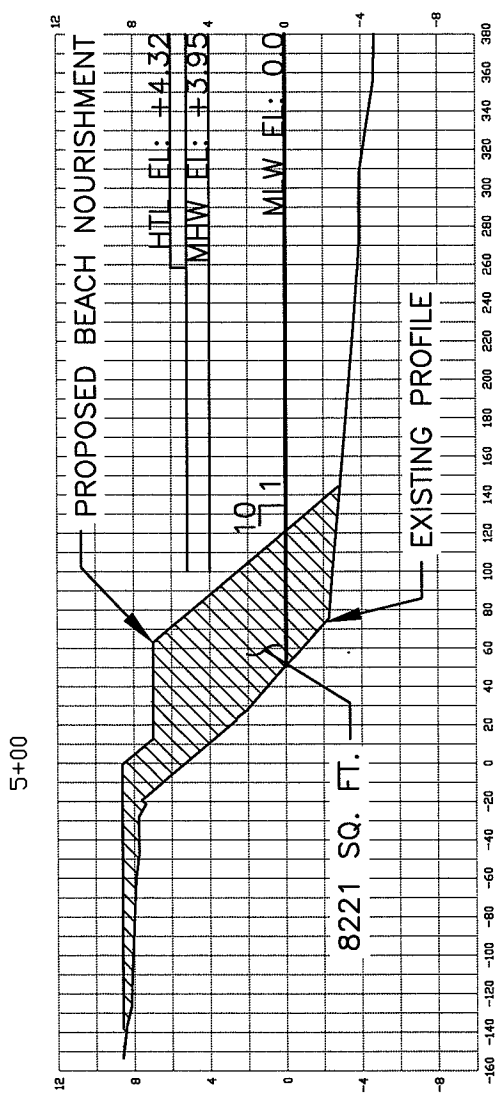
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100 YR FLOOD HTL MHW		+17.7 +5.5 +4.2	NGVD MLW	+1.7 0	PURPOSE: BEACH RENOURISHMENT	APPLICATION BY: TOWN OF CHATHAM	SHEET 4 OF 10 DATE: 09/09/08


Bourne Consulting Engineering
 3 West Street
 Bourne, MA 01949
 TEL (508) 557-0000 FAX (508) 557-0000

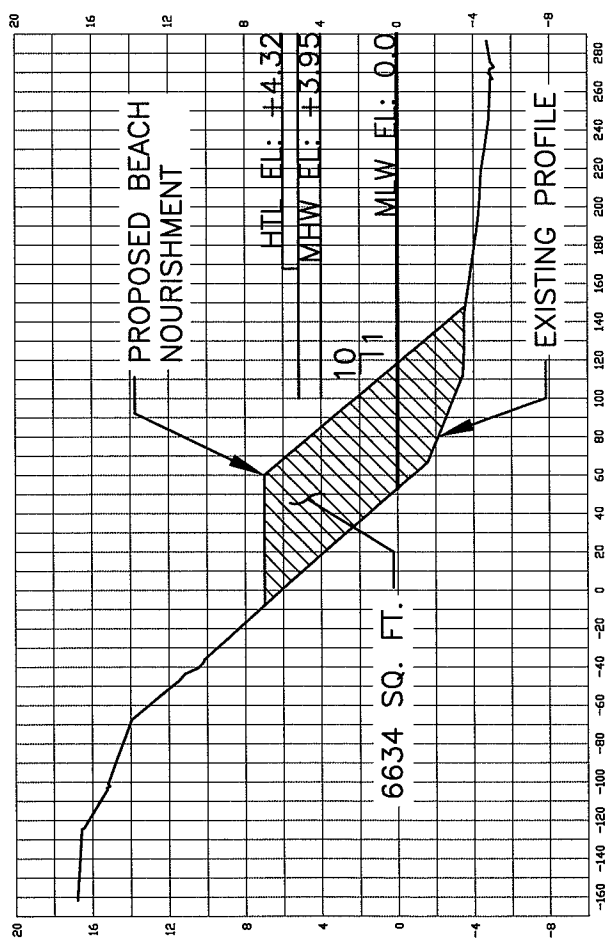



IN: NANTUCKET SOUND AT: CHATHAM COUNTY: BARNSTABLE STATE: MA	TITLE: HARDINGS BEACH RENOURISHMENT	PURPOSE: BEACH RENOURISHMENT	APPLICATION BY: TOWN OF CHATHAM
SHEET 5 OF 10 DATE: 09/09/08	100 YR FLOOD HTL MHW	+17.7 +5.5 +4.2	NGVD MLW +1.7 0

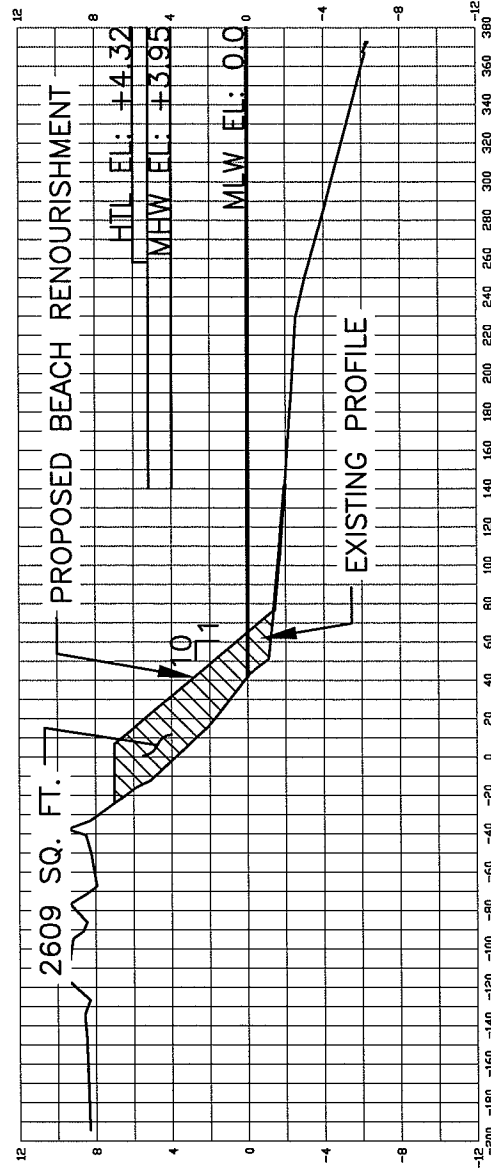

Bourne Consulting Engineering
 3 West Street
 Bourne, MA 01949
 TEL: (508) 533-8888 FAX: (508) 533-8889



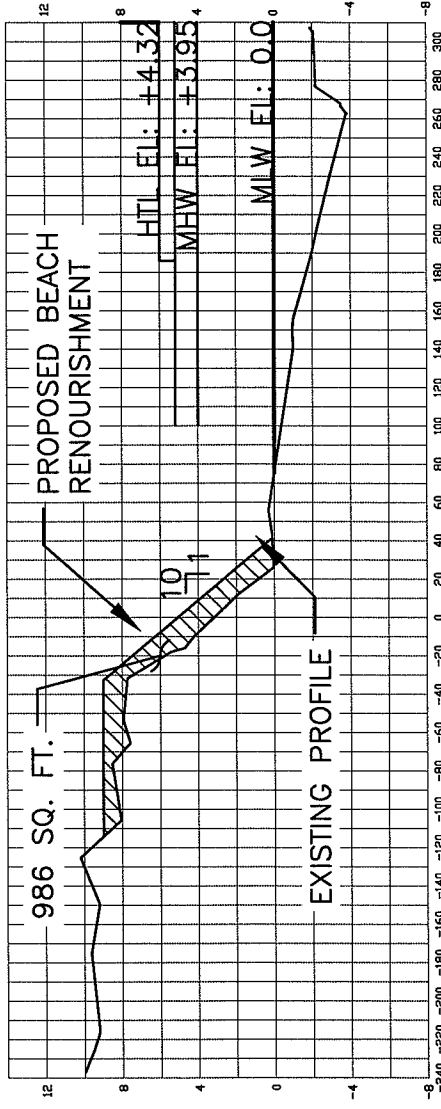
20+00




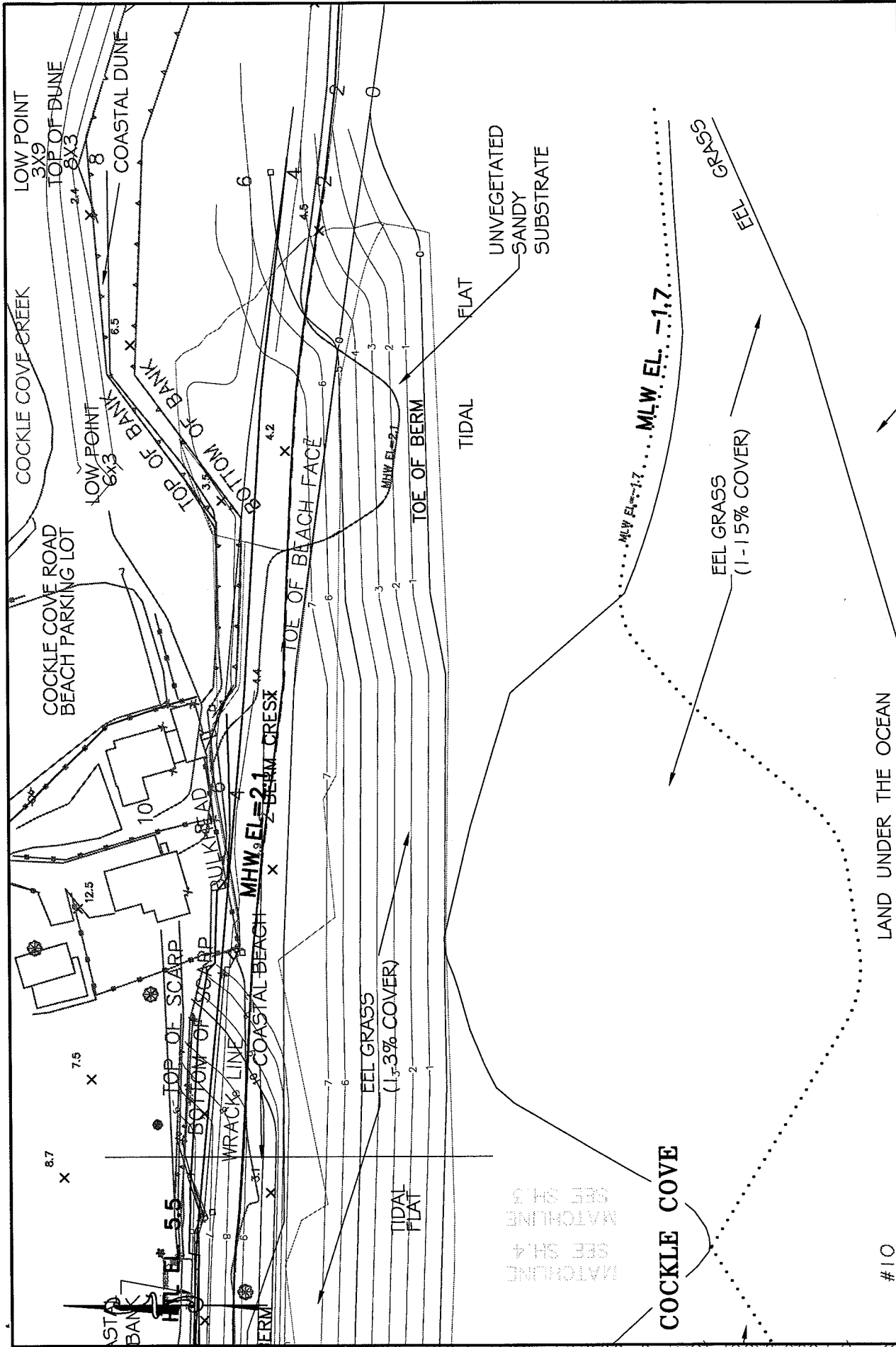
100 YR FLOOD HTL MHW		+17.7 +5.5 +4.2	NGVD MLW	+1.7 0	TITLE:		HARDINGS BEACH SECTIONS	IN: NANTUCKET SOUND AT: CHATHAM COUNTY: BARNSTABLE STATE: MA
 Bourne Consulting Engineering 3 Pond Street Barnstable, MA 02536 TEL: (508) 552-5000 FAX: (508) 552-5005		PURPOSE: BEACH RENOURISHMENT		APPLICATION BY: TOWN OF CHATHAM		SHEET 6 OF 10 DATE: 09/09/08		



50+00

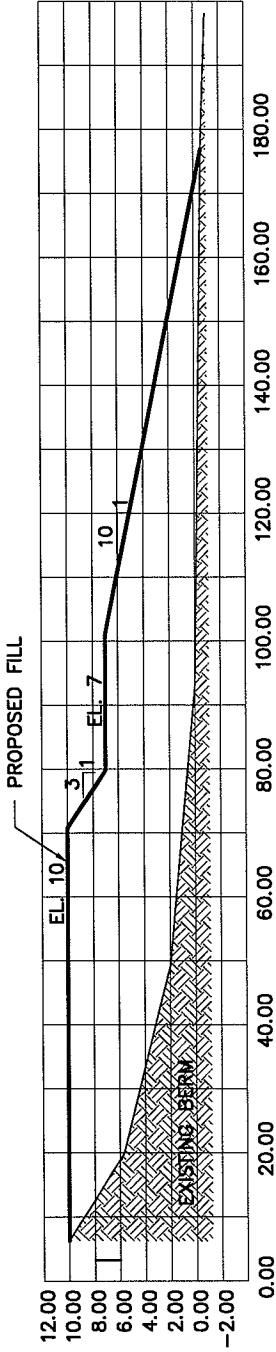


100 YR FLOOD HTL MHW	+17.7 +5.5 +4.2	NGVD MLW	+1.7 0	TITLE: HARDINGS BEACH SECTIONS	IN: NANTUCKET SOUND AT: CHATHAM COUNTY: BARNSTABLE STATE: MA
 Bourne Consulting Engineering 37 West Street Barnstable, MA 02532 Tel: (508) 538-4444 Fax: (508) 538-4444	PURPOSE: BEACH RENOURISHMENT	APPLICATION BY: TOWN OF CHATHAM	SHEET 7 OF 10 DATE: 09/09/08		



COCKLE COVE BEACH RENOURISHMENT		COCKLE COVE BEACH RENOURISHMENT		IN: NANTUCKET SOUND AT: CHATHAM COUNTY: BARNSTABLE STATE: MA
100 YR FLOOD HTL MHW	+17.7 +5.5 +4.2	NGVD MLW	+1.7 0	SHEET 9 OF 10 DATE: 09/09/08
PURPOSE: BEACH RENOURISHMENT		APPLICATION BY: TOWN OF CHATHAM		



Bourne Consulting Engineering
 100 West Central Street
 Barnstable, MA 02536
 TEL (508) 838-4155 FAX (508) 838-4071



TYPICAL FILL CROSS SECTION



HORIZONTAL SCALE: 1" = 20'-0"
VERTICAL SCALE: 1/2" = 10'-0"

IN: NANTUCKET SOUND AT: CHATHAM COUNTY: BARNSTABLE STATE: MA	TITLE: COCKLE COVE SECTION	100 YR FLOOD +17.7 NGVD HTL +5.5 MLW MHW +4.2
SHEET 10 OF 10 DATE: 09/09/08	PURPOSE: BEACH RENOURISHMENT APPLICATION BY: TOWN OF CHATHAM	 Bourne Consulting Engineering <small>100 West Central Street Framingham, MA 01701 TEL (508) 885-0125 FAX (508) 885-0771</small>